D.B.CIVIL HABEAS CORPUS PETITION NO.4127/2006
(Shrawan Ram @ Sona Ram & Anr.
vs.
The State of Raj. & Ors.)

Date of Order: 06.11.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.G.R.Punia & Mr.P.S.Rathore, for the petitioners

Mr.S.K.Vyas, Government Advocate

Mr.C.C.Ratnu, for respondent No.5

BY THE COURT: **(PER HON'BLE MR.MATHUR J.)**

In the instant habeas corpus petition the first petitioner Shrawan Ram @ Sona Ram and second petitioner Bhima Ram are the husband and father respectively of the missing girl namely Bhanwari @ Manju. It is not in dispute that Mst.Manju was married to the first petitioner on 22nd April, 2004. A missing report was filed on 20th June, 2006 (Annex.1) stating that on 17.6.2006 Mst.Manju left the house on the pretext that she was going to her aunt namely Lachhi Devi. She was not seen thereafter. The police has registered a case for offence under Sections 363 & 366 I.P.C.

This Court by order dated 2.8.2006 issued notice

to the respondents. On 4.10.2006 the respondents produced statement of Mst.Bhanwari @ Manju recorded under Section 164 Cr.P.C. by the learned Magistrate First Class No.4, Jodhpur. On reading the statement under Section 164, it was felt that she must be produced before this Court. Thus, the Investigating Officer was directed to produce Mst.Manju.

Pursuant to the order of this Court, Mst.Manju was produced before us. She made a statement to the effect that she was being ill-treated by her in-laws and, therefore, she left the house on her own. She was fed up with her life and as such decided to commit suicide. However, she was being rescued by fifth respondent Gopal Khatik. Thus, she is staying with Gopal Khatik at Bharatpur.

This Court considered appropriate to give her more time for the reflection. Thus, she was sent to the Nari Niketan. Today, she is produced from the Nari Niketan. While she was in Nari Niketan, her parents and husband were permitted to meet her. Mst.Manju has made a statement before us that she does not want to go either with her parent or the husband. She has made a

request to this Court to set her at liberty.

It is not in dispute that Mst. Manju is major. Thus, she is entitled to move as per her own will and desire. In the facts of the case, it cannot be said that she is under unlawful detention. Thus, the instant habeas corpus petition stands dismissed. Mst.Manju is set at liberty to move as per her own will and desire.

(MANAK MOHTA) J. **(N.N.MATHUR), J.**

BKS/-